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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,892	09/05/2003	Yohsuke Kobayashi	242400US3X	6642

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/654,892

Applicant(s)

KOBAYASHI ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

The drawings are objected to because the section lines in figure 1 do not indicate which figure shows the view taken along the section line. For example, the section line "X1-X1" does not indicate that figure 4 shows the view taken along the section line. Therefore, it is suggested that the applicant change "X1-X1" to --4-4-- or --IV-IV-- to indicate that figure 4 shows the view taken along the section line. Additionally, the drawings are objected to because the figures showing the invention in cross section do not include the proper cross sectional shading in accordance with MPEP 608.02. For example, figure 2 improperly shows the belt molding M with a metal cross sectional shading.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because “a position interior of an outer end of the trim board” on lines 5-6 are confusing because it is unclear what the applicant is attempting to set forth. What comprises the outer end of the trim board? With respect to what element of the invention is the interior position defined? On line 7, “a vehicle body” is confusing because it is unclear if the vehicle body include the door inner panel set forth above or if the door inner panel is in addition to the vehicle body. On line 10, “a windowpane . . . window” is confusing because it is unclear how a windowpane and the elevating window differ. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because “X1-X1” on line 9 of page 11 should be changed to --4-4-- or --IV-IV-- to agree with the drawing changes. Likewise, “X2-X2” on line 11 of page 11 should be changed to --5-5-- or --V-V-- to agree with the drawing changes.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the trim board/panel and remove the recitation of “USING THE SAME”.

Claim Rejections - 35 USC § 112

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “a position interior of an outer end of the trim board” on lines 5-6 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises the outer end of the trim board? With respect to what element of the invention is the interior position defined? Recitations such as “a vehicle body” on line 8 of claim 1 render the claims indefinite because it is unclear if the vehicle body include the door inner panel set forth above or if the door inner panel is in addition to the vehicle body. Recitations such as “a windowpane . . . window” on line 11 of claim 1 render the claims indefinite because it is unclear how a windowpane and the elevating window differ. Recitations such as “interior of” on line 4 of claim 2 render the claims indefinite because it is unclear with respect to what element of the invention the interior direction is defined. Recitations such as “from coming-off” on line 4 of claim 3 render the claims indefinite because it is unclear what element of the invention the flange portion is coming off of. Recitations such as “an end portion . . . of the trim board” on lines 4-5 of claim 5 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of the inner belt molding or the combination of the inner belt molding and a trim board. The preamble of claim 1 implies the former while the positive recitation of the trim board on lines 4-5 of claim 5 implies the latter. Recitations such as “the positioning slits” on line 3 of claim 7 render the claims indefinite

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because the applicant has only set forth one positioning slit above. Recitations such as "two of positioning slits" on lines 2-3 of claim 8 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "plate-like material" on line 4 of claim 10 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How much like a "plate" must an element be before it can be characterized as "plate-like"?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/34556. WO 02/34556 discloses a vehicle inner belt molding 3 comprising a fitting portion (not numbered, but shown in figure 2) to be attached to a vehicle body 100, 200, and a sealing lip 31 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of a windowpane 7 of the elevating window, wherein the fitting portion has an upwardly opening groove (not numbered, but defined by the protuberance 32 and the sealing lip 31) fittable with a downward flange portion

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40, an outer fitting portion (not numbered, but shown in figure 2), an inner fitting portion 30, the downward opening groove includes a gripping lip 301.

Claims 1-5 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Arata et al. Arata et al. discloses a vehicle inner belt molding 2 comprising a fitting portion 4, 8 to be attached to a vehicle body 1a, and a sealing lip 11 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of a windowpane 9 of the elevating window, wherein the fitting portion has an upwardly opening groove 6 fittable with a downward flange portion (not numbered, but shown in figure 2), an outer fitting portion 8, an inner fitting portion 4, the upwardly opening groove has at least one gripping lip 7, the downwardly opening groove has at least one gripping lip 12, a cloth pressing piece 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arata et al. as applied to claims 1-5 and 11-13 above, and further in view of Vance '859. Vance '859 discloses a inner belt molding 24 comprising a fitting portion (not

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numbered, but shown in figure 3) having positioning slits 144 which are engageable by positioning ribs 148 and a metal core member 104.

It would have been obvious to one of ordinary skill in the art to provide Arata et al. with an attachment means and metal core member, as taught by Vance '859, to more fixedly secure the trim board to the belt molding and to increase the strength of the belt molding, respectively.

It is suggested that the applicant claim the unitary characteristics of the trim board and the positioning ribs, to better define the invention and potentially define the invention over the prior art of record. See claim 14.

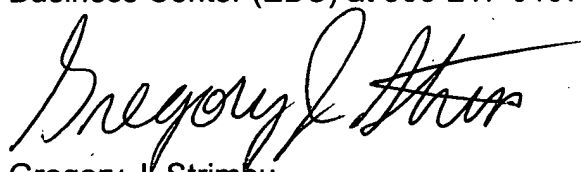
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maki, Nozaki, Vance '363, Hamabata and Florentin et al. are cited for disclosing a beltline molding having a groove for receiving a trim panel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a stylized flourish at the end.

Gregory J. Strimbu
Primary Examiner
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May 27, 2005